

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

and to make correct weight certificates and passing such oral or written examination as the state sealer may determine and upon making oath to execute his the requisite duties satisfactorily shall be granted a license as a public weighmaster. Each license shall expire on December 31st of each year or in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, whichever is later, unless sooner revoked or suspended under section 2506. Each licensed public weighmaster shall, at ~~his the public weighmaster's~~ own expense, ~~provide himself with~~ procure an impression seal. ~~His The~~ public weighmaster's name and the word "Maine" shall be inscribed around the outer margin of the seal and the words "licensed public weighmaster" shall appear in the center thereof. The seal shall be impressed upon each weight certificate issued by a licensed public weighmaster.

Sec. 6. 10 MRSA §2651, as amended by PL 1977, c. 694, §184, is further amended to read:

§2651. Registration; certificates

Any person wishing to be registered as a dealer or repairman shall make application to the state sealer upon forms provided by ~~him the state sealer,~~ furnishing such pertinent information as ~~he may require~~ be required and each application shall be accompanied by a fee of ~~\$2~~ \$25. Upon approval ~~by,~~ the state sealer, ~~he~~ shall issue to the applicant a registration certificate which shall expire on December 31st, or in the manner provided in the Maine Administrative Procedure Act, Title 5, chapter 375, whichever is later, unless sooner suspended or revoked under section 2655.

Sec. 7. 22 MRSA §2168, as amended by PL 1989, c. 664, §3, is repealed and the following enacted in its place:

§2168. Fees

1. Application and renewal. Each application for, or renewal of, a license to operate a food establishment must be accompanied by a fee, based on the number of employees as follows:

A. For 0 to 10 employees, \$10;

B. For 11 to 25 employees, \$30; and

C. For 26 or more employees, \$100.

2. Food salvage. Each application for, or renewal of, a license to operate a food salvage establishment or to act as a salvage broker must be accompanied by a fee, not to exceed \$30, determined by the commissioner.

3. Refunds and transfers; General Fund. No fee is refundable. A license is not assignable or transferable. Fees collected by the commissioner pursuant to this section must be deposited in the General Fund.

Sec. 8. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1990-91

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Agricultural and Rural Resources Development

All Other \$45,000

Provides \$20,000 for audio-visual materials, the preparation of written materials and organization of a speaker's bureau for general public awareness activities and \$25,000 for instructional materials and the training of teachers in agricultural literacy as part of the agricultural awareness programs.

See title page for effective date.

CHAPTER 889

H.P. 1692 - L.D. 2342

An Act to Promote Equity of Opportunity for Women in Administrative Positions in the Public School System

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §4576 is enacted to read:

§4576. Gender equity in school administrative positions

The commission shall promote gender equity in the hiring of public school administrators in cooperation with the Commissioner of Education and investigate all human rights complaints associated with the public school system.

Sec. 2. 20-A MRSA §6 is enacted to read:

§6. Gender equity hearings

Beginning in 1991 and in each odd-numbered year thereafter, the joint standing committee of the Legislature having jurisdiction over educational matters shall hold biennial hearings on or before March 15th on the status of women in public school administration. The committee shall solicit testimony from all public and private educational organizations on the progress in providing support to women and in advancing the efforts of women to achieve administrative positions.

Sec. 3. 20-A MRSA §254, sub-§§8 to 10 are enacted to read:

8. Model hiring procedure. By January 1, 1991, the commissioner, in collaboration with organizations representing school boards, school administrators, teachers, the Maine Commission for Women and other interested parties, shall develop a model hiring procedure for school administrators. The counsel for the Maine Human Rights Commission appointed under Title 5, section 4566, subsection 3, shall review the model hiring procedure.

9. Statewide goal. The commissioner, in cooperation with organizations representing school boards, school administrators, teachers, the Maine Commission for Women and other interested parties, shall set a statewide target goal for the 5 years following the effective date of this subsection for the employment of women in positions requiring administrator certification. The commissioner shall review and update the target goal after 2 years and 4 years.

10. Gender equity. The commissioner shall provide technical assistance in the area of gender equity to school administrative units, monitor progress in attaining the goal established under subsection 9, promote communication between professional groups concerning gender equity and initiate program development in the area of gender equity.

Sec. 4. 20-A MRSA §256, sub-§1, as amended by PL 1987, c. 395, Pt. A, §46, is further amended to read:

1. Report to Governor and Legislature. The commissioner shall prepare and deliver to the Governor and Legislature an annual report on the status of public education in the State, including any suggestions and recommendations to improve public education and including the reporting requirements of section 13506, subsection 3-A. This annual report shall must also include a description of the activities and accomplishments of the state board.

The commissioner shall include in the annual report a listing of requests by school districts for affirmative action workshops and an assessment of the department's ability to meet past and projected demand for in-service training related to affirmative action or gender equity.

The commissioner may be invited by the Speaker of the House of Representatives and the President of the Senate annually, in January, to appear before a joint session of the Legislature to address the Legislature on the status of public education in the State and such related matters as the commissioner desires to bring to the Legislature's attention.

Sec. 5. 20-A MRSA §256, sub-§7 is enacted to read:

7. Women in administration; data; report. The commissioner shall compile data annually on the number of women holding administrative positions requiring certification and shall report the data annually, on or before January 1st, to the Maine Human Rights Commis-

sion and the joint standing committee of the Legislature having jurisdiction over educational matters.

Sec. 6. 20-A MRSA §1001, sub-§§13 and 14 are enacted to read:

13. Nondiscriminatory hiring. They shall develop a nondiscriminatory hiring practice for positions requiring administrator certification. That hiring practice must include:

- A. Creation or reassessment of job descriptions;
- B. Clearly stated criteria for positions; and
- C. An interview format that includes questions based on job descriptions and stated criteria.

Sec. 7. 20-A MRSA §4502, sub-§4-A is enacted to read:

4-A. Affirmative action plan. Each school administrative unit shall develop an affirmative action plan in accordance with Title 5, chapter 65 as part of the school approval process and update this plan annually as necessary. The affirmative action plan must include a description of the status of the unit's nondiscriminatory hiring practice provided in section 1001, subsection 13, plans for in-service training programs on gender equity for teachers, administrators and school boards, and a plan for meeting the 5-year goal established under section 254, subsection 9. The unit shall submit any update of the plan annually to the commissioner.

Sec. 8. 20-A MRSA §13011, sub-§6 is enacted to read:

6. Alternative certification. The state board and the commissioner shall promote existing alternative certification requirements and procedures for administrator certifications and make changes necessary to facilitate this process. The state board and the commissioner shall test and evaluate this alternative certification process and other alternative methods of certification and report their findings to the joint standing committee of the Legislature having jurisdiction over educational matters on or before January 1, 1992.

Sec. 9. 20-A MRSA §13019-A, sub-§1, ¶D, as enacted by PL 1985, c. 287, §5, is amended to read:

D. A basic level of knowledge in the following areas:

- (1) Community relations;
- (2) School finance and budget;
- (3) Supervision and evaluation of personnel;
- (4) Federal and state civil rights and education laws;

- (5) Organizational theory and planning;
- (6) Educational leadership;
- (7) Educational philosophy and theory;
- (8) Effective instruction;
- (9) Curriculum development;
- (10) Staff development; ~~and~~

(11) Cultural differences and discriminatory and nondiscriminatory hiring practices; and

~~(11)~~ (12) Other competency areas as determined by state board rule; and

Sec. 10. 20-A MRSA §13019-B, sub-§1, ¶C, as enacted by PL 1985, c. 287, §5, is amended to read:

C. A basic level of knowledge in the following areas:

- (1) Community relations;
- (2) School finance and budget;
- (3) Supervision and evaluation of personnel;
- (4) Federal and state civil rights and education laws;
- (5) Organizational theory and planning;
- (6) Educational leadership;
- (7) Educational philosophy and theory;
- (8) Effective instruction;
- (9) Curriculum development;
- (10) Staff development; ~~and~~

(11) Cultural differences and discriminatory and nondiscriminatory hiring practices; and

~~(11)~~ (12) Other competency areas as determined by state board rule; and

Sec. 11. Study of incentive programs. The State Board of Education and the Commissioner of Educational and Cultural Services shall conduct a study and recommend to the 115th Legislature a program to establish and partially fund local internships in educational administration. These internships must be specifically aimed at providing an opportunity for women in the positions of assistant principal, principal and assistant superintendent. The state board and the commissioner shall design the program so that individuals who apply are selected for participation by school administrative units

on a competitive basis. The state board and the commissioner shall design the program to enhance each participating unit's compliance with each unit's affirmative action plan. The state board and the commissioner shall recommend an appropriate level of funding for the program.

Sec. 12. Report on staffing needs. The Commissioner of Educational and Cultural Services shall report to the 115th Legislature on the level of additional staffing necessary to implement this Act.

Sec. 13. University of Maine System study of gender equity curriculum. The Trustees of the University of Maine System shall study and report to the 115th Legislature and the Joint Standing Committee on Education on:

1. How the University of Maine System, in cooperation with the Department of Educational and Cultural Services and the Maine Human Rights Commission, will address the recommendations of the Blue Ribbon Task Force to Promote Equity of Opportunity for Women in the Public School System; and

2. How the University of Maine System will develop and implement a curriculum on cultural differences that is a requirement of program certification.

The University of Maine System, through its undergraduate and graduate programs in the College of Education, shall include the study of gender equity and cultural differences. The University of Maine System shall support its campuses in the delivery of this curriculum.

See title page for effective date.

CHAPTER 890

H.P. 1602 - L.D. 2214

An Act to Clarify the Role of the Board of Environmental Protection

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 2 MRSA §6, sub-§4, as repealed and replaced by PL 1989, c. 502, Pt. A, §2, and c. 585, Pt. A, §2, is repealed and the following enacted in its place:

4. Range 88. The salaries of the following state officials and employees shall be within salary range 88:

State Purchasing Agent;

Director, Arts and Humanities Bureau;

Director, State Museum Bureau;